

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

**ERIC JACKSON, ALARIC STONE, and
MICHAEL MARCENELLE**, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

ALEJANDRO N. MAYORKAS, in his official
capacity as Secretary of Homeland Security,
LLOYD J. AUSTIN, III, in his
official capacity as Secretary of Defense,
LINDA L. FAGAN, in her official
capacity as Commandant of the Coast Guard, and
BRIAN K. PENOYER, in his official capacity
as Assistant Commandant for Human
Resources of the Coast Guard,

Defendants.

Case No. 4:22-cv-00825-P

**PLAINTIFFS' THIRD STATUS REPORT
REGARDING AGREEMENTS WITH THE COAST GUARD**

Plaintiffs have conferred with Defendants (the “Coast Guard”) about threatened imminent adverse actions against service members including but not limited to imminent discharge dates and imminent dates of transfer to the Inactive Status List (“ISL”; “no-pay, no-points status”). On September 30, 2022, Plaintiffs submitted a status update (ECF No. 25), summarizing the Coast Guard’s resulting agreements to postpone adverse actions for certain service members until December 1, 2022 or pending resolution of Plaintiffs’ motions for class-wide relief in this case (ECF No. 4). On November 4, 2022, Plaintiffs submitted a second status update (ECF No. 44), summarizing some of the Coast Guard’s additional agreements resulting from Plaintiffs’ conferral with Defendants, since September 30 to the present.

This is a third status update, summarizing the Coast Guard's additional agreements resulting from Plaintiffs' conferral with Defendants, since November 4, 2022 to the present, pending resolution of the pending motions for class-wide relief. As detailed below, the Coast Guard has agreed to postpone the ISL transfer or discharge dates for some (but not all) putative class members to December 15, 2022.

- The Coast Guard previously agreed to defer the ISL transfer to December 1, 2022 for 120+ putative class member reservists (*see* ECF No. 25). Today, the Coast Guard agreed to modify that agreement; it agreed to not transfer them to the ISL prior to **December 15, 2022**.
- The Coast Guard previously agreed to defer the discharge date to December 1, 2022 for four specific putative class members (*see* ECF No. 44). Today, the Coast Guard agreed to modify that agreement; it agreed to not discharge them prior to **December 15, 2022** if the Coast Guard receives a request to so postpone separation directly from the member.
- The Coast Guard has still not agreed to hold off on all imminent adverse actions against all 1,200+ putative class members. *See* ECF No. 25 at 1 n.1; ECF No. 44 at 2 n.2. Even for those protected by the agreements reported here, December 15 is fast approaching. And for at least some putative class members, out-processing activities may have begun or may soon begin. *See* ECF No. 44 at 2. Class-wide relief (ECF No. 4) is urgent.

Dated: November 28, 2022

Respectfully submitted,

/s/ Adam S. Hochschild

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